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C O N F I D E N T I A L SECTION 01 OF 03 CAIRO 000318

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PA FOR A/S MCCORMACK, NSC FOR WATERS

E.O. 12958: DECL: 02/05/2017

TAGS: [PHUM](#) [PGOV](#) [KDEM](#) [EG](#)

SUBJECT: AYMAN NOUR FOCUSED ON LEGAL TECHNICALITIES, NOT  
HEALTH-BASED AMNESTY

REF: CAIRO 153

Classified By: DCM Stuart Jones, for reasons 1.4 (b) and (d).

11. (C) In an apparent response to A/S Sean McCormack's January 23 comments regarding a health-based release for Ayman Nour, the imprisoned Al Ghad Party leader has indicated in a letter to Ambassador Ricciardone (full text below) that his current strategy is to pursue legal exoneration (vice release on humanitarian grounds). Nour is focused on determining precisely when his parliamentary immunity was lifted. Nour's wife, Gameela Ismail, has asserted to poloff that prior to the formal lifting of his parliamentary immunity and his initial arrest in January 2005, Nour's house was illegally searched. Nour apparently hopes that a court would declare his case invalid on this technicality. It is not clear why Nour's lawyers have waited so long to highlight this alleged weakness in the case against him. If exonerated on this technicality, Nour would not face the lengthy ban on political activities that will otherwise be in force when he is released from prison (either after serving his sentence, or if released for health reasons).

12. (C) Begin text of Embassy translation:

The gracious and respectable Mr. Francis Ricciardone,

I heartily thank you - with genuine feelings - for the kind words that my son Shady conveyed to me, and for the important clarifications that my wife communicated to me. I also want to express my sincerest gratitude to Mr. Sean McCormack for his recent statements which restored my confidence as well as that of others who believe in reform, that they are not alone in this world, and that what the opponents of reform propagate about interests always prevailing over principles and constants is not true.

Dear Sir, this message is of course the first between us, and might be the last because of the violations I am subjected to, which have extended to my right to life; in an execution process that is illegal, illogical and unreasonable, flagrant and shameful.

Respected Mr. Francis Ricciardone, I know very well the amount of distortion and dodging that my foes have exercised in the face of domestic and foreign calls for my right to freedom, life and political participation. For since my first arrest, it was not just my freedom that they wanted, but the real goal was to damage my reputation and dignity and to present me as a model, an example and a lesson for anyone who might think of presenting himself as an alternative, or of introducing a movement different from the only two officially acknowledged: the government and the parallel Muslim Brotherhood. Presenting a liberal public moderate movement faced ferocious resistance from the other two

movements, as well as vilification and discrediting by others, hateful of having a civic alternative outside the cloak of the old Left or the drooping Right. Maybe those who have attended my court hearings, like Mr. Ian (McCary), were able to tell you that the trial and the charges were a process of moral and political assassination through despicable and mendacious accusations of my being a foreign agent, funded by and belonging to a Zionist-American-Western political project, which your Excellency knows is pure slander from a sick imagination that wants to paint reform and those who call for it as radical coup-plotters or Americanized agents, with no base at the level of the Egyptian political street.

Al Ghad party was only 89 days old the day I was arrested. But during that very short interval, we were almost able to break out of this historical siege with a reform-minded political project that is publicly acceptable, one which had a national identity, and believed in civility, modernity and science, did not contradict the peoples, sentiments, and inspired hope in their souls, hope in a reasonable alternative.

Sir, the attempt to morally assassinate me with lies, restrictions and detention and extending this assassination to my life itself, did not target me or my new-born party but it did and still does target hope. It aims to offer the head of the flying wolf, so that the rest of the forest dwellers would know the fate of anyone who may attempt the actions attempted by the wolf to change the rules of the game and reapportion the political cake through the creation of a third party.

Respectable Mr. Francis Ricciardone, I shall not waste any

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more of your precious time in introductions that I trust you are well-aware of, and through which I only tried to explain to you the state of obstinacy, dispute, and ferocity that some show, in regards to my case, despite their claims of love and support to me which I have never enjoyed at any point in time. And maybe claiming those feelings is only genuine insofar as their wish to reveal that I am not the one intended to be damaged, as much as it is a message to others, to an entire generation that is silent, and must continue to be silent and to watch, after I offered my head and maybe even my life, to compel others into keeping silent, in fear and terror.

Dear Sir, the verdict that was unjustly issued against me in a trial bereft of any kind of integrity, justice or law, was not enough to assassinate hope, though it was enough to assassinate my person and my political and human rights. So, the prison ruling turned into an exemplary punishment and a bloodless execution, to achieve the end goal which is assassinating the hope and dream of peaceful civic change. Now, myself, my family, and my party are paying not only the price for a legitimate and legal ambition that we practiced, but unfortunately we are also paying a price so that nobody else will, in the future, exercise similar ambition.

Sir, do not believe what they say and propagate in official meetings, or otherwise, that the goal behind me staying in this hideous prison (amidst unprecedented measures and under pressures and practices that the most violent of terrorists, killers, thieves, and criminals have not been subjected to) is because of a moral or legal pressure to respect judicial rulings and not interfere in them. This is a major lie that they confidently repeat before you, because they realize you are not aware of the minute legal details.

Gracious Mr. Francis Ricciardone, I hope you feel the importance of the next lines and communicate them on my behalf to whom it may genuinely concern. And it was Mr. Sean McCormack's recent statements that alerted me to the importance of placing the following facts before you:

What is needed, is not at all to demand that the President annul a judicial ruling, though the constitution grants him alone that right under Article 149, and he has and still does regularly exercise this right without announcing it. What is needed, is not pity over my health, which has only deteriorated as a result of a clear scheme to achieve that goal which they are aiming at day after day, especially after they filed an alleged official report that I attempted to commit suicide in April, to pave the way and to justify my death which might happen at any moment.

What is needed, at a minimum, is that he allow me to obtain from People,s Assembly an attestation (that we officially requested on November 29, 2006) with the date, hour and minute that my parliamentary immunity was lifted. And the Assembly is still waiting for the President,s approval to grant me this document which would be very useful for me to submit what is known as a &re-examination8 (reconsideration) request of the verdict against me, to the Public Prosecutor, in accordance with clause 241 of the Criminal Procedures Code. This legal procedure is sufficient to reclaim my freedom and my rights. I will not ask them to release the witnesses of falsehood and lying that are kept in a room at the Leeman Torah Prison Hospital, for fear that they might retract their testimonies, in which case the petition for a reconsideration of the sentence would be accepted immediately.

Sir, this request is very legal and does not cause embarrassment to anyone, and resolves the root of the crisis, so that I can regain my political rights with my freedom instead of suspending them till 2017.

Denying me food, treatment, family and defense visitation and banning me from writing and from the right to defense, is no more dangerous to my life than the State,s insistence to assassinate my party and besiege its newspaper, and stifling it so that I may die twice. For my life is not more important than all this. Yes, my children are suffering and dying with me from poverty and suppression, but the more dangerous thing, Sir, is the death of hope and the assassination of a generation,s dream, for generations to come.

My sincerest appreciation, thanks and gratitude to you and all those you love for all the efforts you exert to alleviate my pain and defend my life.

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Sincerely,

Dr. Ayman Nour  
January 25, 2007  
Torah Al Mazra,a Prison

End text of letter.  
RICCIARDONE